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PATENT

Attorney Docket No.: 023070-093800US

Client Ref. No.: 1997-298-1

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On May 12, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Patricia Andrews

TECH CENTER 1600/2000

MAY 20 2003

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GILL and ROSS

Application No.: 09/815,923

Filed: March 23, 2001

For: USE OF INSECT CELL
MEMBRANE TRANSPORTERS AS
NOVEL TARGET SITES FOR
INSECTICIDES

Examiner: Epperson, Jon D.

Art Unit: 1645

RESPONSE TO RESTRICTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed February 12, 2003, requesting restriction under 35 U.S.C. 121, Applicant elects with traverse Group I, drawn to an isolated nucleic acid encoding an insect cell membrane transporter polypeptide, an isolated cell membrane transporter polypeptide encoded by the nucleic acid, and a cell comprising a recombinant nucleic acid.

Applicant further elects the nucleic acid sequence corresponding to SEQ ID NO:3 and the corresponding protein SEQ ID NO:4. In response to the requirement for species election the Applicant further elects, with traverse, the *Manduca sexta* serotonin receptor which falls within the broad category of serotonin receptors. Applicant also

elects, with traverse, CV-1 cells which are members of the category of mammalian cells.

The following claims read on the elected species: 1-5, and 11-12.

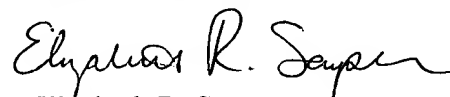
Enclosed is a Petition to Extend Time for one month from March 12, 2003 to April 12, 2003.

REMARKS

Where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions (MPEP §803.01). In establishing that an "undue burden" exists for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. To show undue burden resulting from searching difficulties, the Examiner must show that the restricted groups have a separate classification, acquired a separate status in the art, or that searching would require different fields of search (MPEP §808.02). Applicants respectfully submit that the inventions of the present application can readily be searched without undue burden because a search for one of the groups will identify art pertaining to the other.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Elizabeth R. Sampson
Reg. No. 52,190

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